



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 2922-00
6 September 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 5420 SER N133D/000410 of 24 August 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

5420
Ser N133D/ 000410
AUG 24 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS

Via: Assistant for BCNR Matters (PERS-00XCB)


Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF
[REDACTED]

Ref: (a) NAVPERS 15560C, Naval Military Personnel Manual

Encl: Docket Number 02922-00

1. Forwarded, recommending disapproval.
2. [REDACTED] was disenrolled from the Naval Nuclear Power School (NPS) after attending over twenty weeks of advanced training. This followed completion of Nuclear Field "A" School (NFAS).
3. Article 1160-080 of reference (a) directs the adjustment to obligated service requirements for members who are disenrolled from advanced training.
4. On 29 June 1995, [REDACTED] acknowledged this requirement when he signed an annex to his enlistment guarantee. It stated that "If given accelerated advancement, post apprentice training, or an enlistment/reenlistment bonus, I may incur additional service as required by regulation." Petty Officer [REDACTED] accepted accelerated advancement to E-3 and again to E-4 upon completion of NFAS training.
5. The required payback for completed training is outlined in reference (a), which states that for "those members who accepted accelerated advancement on or after 1 September 1974, this payback will be in addition to the 1-year extension incurred for accelerated advancement. The payback for instruction received (when combined with the 1-year extension for accelerated advancement, if appropriate) cannot exceed the number of months of the original extension agreement."

6. The Payback Computation Table in reference (a) outlines the months of service obligation to be incurred. Since Petty Officer Brankman completed twenty weeks of advanced training at NPS, the table calls for a payback of fourteen months. Again, this is in addition to the 1-year extension incurred for accepting the accelerated advancement. This period, a total of twenty-six (twelve plus fourteen) months, exceeds his original extension, so he needs to execute and complete an extension of twenty-four months, his original agreement when he enlisted.

A handwritten signature in black ink, appearing to read "D. S. Ratte", with a stylized, cursive script.

D. S. RATTE
Nuclear Enlisted
Program Manager